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November 26, 2003

Honorable Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

***Proprietary Confidential Commercial  
Information Subject to Protective Order in this  
Proceeding (03-00491) and Exempt from  
Disclosure Pursuant to 5 U.S.C. §552(b)(4)***

In Re: Implementation of the Federal Communications Commission's Triennial  
Review Order (Nine-month Proceeding) (Loop and Transport)

Docket No. 03-00527

Dear Chairman Tate:

Enclosed please find a CD-Rom and five (5) copies of MCImetro Access Transmission Services, Inc., Brooks Fiber Communications of Tennessee, Inc. and MCI WorldCom Communications, Inc.'s (collectively "MCI") Responses to BellSouth Telecommunications Inc.'s First Set of Interrogatories in the above-referenced docket. The attachments to the responses contain proprietary information under the terms of the Protective Order entered in this docket and confidential commercial information under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Also enclosed is a CD-Rom and five (5) copies of a non-proprietary version of MCI's Responses.

Copies have been served on all parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

Jon E. Hastings

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

<b>Implementation of the Federal</b>	)	
<b>Communications Commission's</b>	)	<b>Docket No. 03-00527</b>
<b>Triennial Review Order – 9 Month</b>	)	
<b>Proceeding – Loop and Transport</b>	)	

**MCI's RESPONSES AND OBJECTIONS TO  
BELLSOUTH'S FIRST SET OF INTERROGATORIES (Nos. 1-13)**

MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Tennessee, Inc. and MCI WorldCom Communications, Inc.<sup>1</sup> (hereinafter collectively referred to as "MCI"), hereby responds and objects to the First Set of Interrogatories to MCI served by BellSouth Telecommunications, Inc. ("BellSouth"), and, to the extent necessary, hereby moves the Tennessee Regulatory Authority ("Authority") for a protective order. The responses made to BellSouth's interrogatories are made subject to these and subsequent objections, the protective agreement previously executed between MCI and BellSouth, and any protective order as may be issued by the Authority in this docket. Pursuant to the protective agreement between BellSouth and MCI, MCI is providing and will provide certain confidential identified below to BellSouth.

**General Objections**

MCI makes the following General Objections to BellSouth's First Set of Interrogatories, including the applicable definitions and general instructions therein ("BellSouth discovery"), which, as appropriate, are specifically identified and incorporated into the relevant responses below.

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<sup>1</sup> Brooks Fiber Communications of Tennessee, Inc. and the local exchange operations of MCI WorldCom Communications, Inc. will be merged into MCImetro Access Transmission Services, LLC on or about January 2, 2003.

1. MCI objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on MCI to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. MCI further objects to any and all BellSouth discovery that seeks to obtain information from MCI for MCI subsidiaries, affiliates, or other related MCI entities that are not certificated by the Commission.

2. MCI objects to each and every interrogatory that seeks to obtain information regarding "former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of MCI" as such information is not within MCI's control, it would be unduly burdensome to attempt to obtain, and it is likely irrelevant.

3. MCI objects to the BellSouth discovery to the extent that such discovery calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. MCI objects to the BellSouth discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by MCI in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. MCI objects to the BellSouth discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. MCI objects to the BellSouth discovery insofar as it seeks information or documents, or seeks to impose obligations on MCI that exceed the requirements of the Tennessee Rules of Civil Procedure, Tennessee law, or any other applicable laws, rules or procedures.

7. MCI objects to providing information to the extent that such information is already in the public record before the Authority or which is already in the possession, custody, or control of BellSouth.

8. MCI objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. MCI objects to each and every request to the extent that the information requested constitutes "trade secrets" under applicable law. To the extent that BellSouth's requests seek proprietary confidential business information that is not the subject of the "trade secrets" privilege, MCI will make such information available to counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. MCI is a large corporation with employees located in many different locations in Tennessee and in other states. In the course of its business, MCI creates countless documents that are not subject to Authority or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. MCI will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that

the BellSouth discovery purports to require more, MCI objects on the grounds that compliance would impose an undue burden or expense.

11. MCI objects to the BellSouth discovery that seeks to obtain “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that MCI may provide in response to the BellSouth discovery will be provided subject to, and without waiver of, this objection.

12. MCI objects to the BellSouth discovery to the extent such discovery seeks to have MCI create documents not in existence at the time of the request.

13. MCI objects to the BellSouth discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time MCI has been afforded to respond to the BellSouth discovery, the development of MCI’s positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. MCI expressly reserves the right to supplement or modify its discovery responses based on its ongoing inquiry.

15. MCI objects to each and every interrogatory that seeks information regarding MCI’s operations in ILEC service areas other than the BellSouth ILEC service area as such information is irrelevant to BellSouth’s case in this docket and such discovery is overly broad and unduly burdensome.

## **INTERROGATORIES**

**INTERROGATORY 1.** Affirm or deny that you have self-provided high capacity transport facilities that you own (i.e., any DS3 or greater facilities, including dark fiber) that provide transport along a route between a pair of ILEC central offices or wire centers in each/any of the nine Southeastern states for use in your own operations. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each central office of the pair and be operationally ready to provide transport into or out of each office of the pair. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you "own" transport facilities if (i) you have legal title to the facility; or (ii) if you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

Sample Form for Response to Question 1									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 2.** Affirm or deny that you offer to carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that you own that provide a route between a pair of ILEC central offices or wire centers, to one or more pair of wire-centers, in each/any of the nine states. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair. Answer this question in the affirmative if you are offering such facilities, or (ii) if you have obtained on a an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties,

should not be included in this response.

Sample Form for Response to Question 2									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 3.** Affirm or deny whether you have acquired on a wholesale basis from a third party (other than the ILEC or a CLEC that is a party to this proceeding) DS1, DS3, or dark fiber transport between two or more ILEC central offices in each/any of the Southeastern states. The facilities must terminate to an active physical or virtual collocation (includes all types of collocation, not just those qualifying under section 251 (c)(6)) at each end of the transport route) associated with each office of the pair and be operationally ready to provide transport into or out of each office in the pair.

Sample Form for Response to Question 3									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 4.** For each state in Question 1 that you answered in the affirmative (that you have deployed or self-provide high capacity transport for use in

your own operations), provide a list of all the paired ILEC CO to ILEC CO routes on which you have deployed such facilities identifying:

- a. The CLLI codes of the paired ILEC CO locations that make-up each and every route. In each case show the "low alpha" (alphabetically first) CLLI code as Wire Center A and the "high alpha" CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)
- b. Whether your self-provided transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code for the collocation arrangement.
- c. Whether you self-provide transport facilities are provisioned entirely on facilities you own (as defined in Question 1).
- d. If any of your self-provided transport facilities include facilities obtained through third parties (Yes, No); if your response is yes, indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are able to immediately provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment A and confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 5.** For each state in Question 2 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher, or dark fiber capacity transport) provide a list of all ILEC CO to ILEC CO routes along which you provide such transport identifying:

- a. The CLLI codes of the paired ILEC CO locations that make up the end points of each and every route. In each case show the "low alpha" (alphabetically first) CLLI code as Wire Center A and the "high alpha" CLLI code as Wire Center Z. (Provide the full 11 character CLLI.)



- b. Whether your wholesale transport facilities are terminated to collocations (includes all types of collocation, not just those qualifying under section 251 (c)(6) at each end of the transport route). Provide the customer name of record for the collocation arrangement and 11-character ACTL CLLI code for the collocation arrangement.
- c. Whether your wholesale transport facilities are provisioned entirely on facilities you own (as defined in Question 2).
- d. If any of your self-provided transport facilities include facilities obtained through third parties; indicate the vendor name.
- e. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis. (Yes, No)
- f. Whether you are willing and able to immediately provide transport along the particular route.
- g. The capacity deployed and the capacity active on the route as of September 30, 2003.

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See the response to Interrogatory No. 2.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 6.** For each state in Question 3 that you answered in the affirmative (that you have acquired on a wholesale basis DS1, DS3 or higher, or dark fiber transport), provide the following in electronic format using the worksheet<sup>1</sup> related to both self-provided (the Question 4 spreadsheet) and wholesale facilities (the Question 5 spreadsheet):

- a. The CLLI codes of the ILEC wire centers or COs of the starting and ending points of the transport routes;
- b. The name of the carrier or company from whom you received or purchased the transport;
- c. Whether you are operationally ready to provide transport using these facilities; and
- d. The capacity deployed and the capacity active on the route as of September 30, 2003.

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these

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<sup>1</sup> Spreadsheet sent via electronic mail; hard copies provided via U.S. Mail.

**objections, MCI states as follows: See Confidential Attachment C.**

**Response provided by: Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.**

**INTERROGATORY 7.** If, in response to Questions 4 and 5, you denied any of the specified characteristics, explain in detail the basis for your response. For example, if your wholesale operations are affiliated with another provider, state the name of the provider with whom you are affiliated. State also whether there are other limitations on your wholesale operations; if so, describe in detail any such limitations.

**MCI RESPONSE: MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.**

**Response provided by: Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.**

**INTERROGATORY 8.** Affirm or deny that you have self-provided high capacity loop or dark fiber facilities that you own (i.e., any DS3 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in each/any of the nine Southeastern states for use in your own operations in providing retail service to your customers. Answer this question in the affirmative if you are self-providing such facilities. For purposes of this question, you "own" a facility (i) if you have legal title to the facility, or (ii) if it you have obtained dark fiber under a long term (10 or more years) IRU and have attached your own optronics to light the facility and are serving customers using the facility. Facilities obtained through any other means, including but not limited to, special access, unbundled network elements or other services or facilities obtained from third parties, should not be included in this response.

Sample Response Form - Question 8: Self-provided facilities for providing retail service									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE: MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these**

**objections, MCI states as follows: See Confidential Attachment C.**

**Response provided by: Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.**

**INTERROGATORY 9.** Affirm or deny that you offer to carriers on a wholesale basis DS1, DS3, or higher capacity loop facilities or dark fiber that you own (i.e., any DS1 or greater facilities that provide connections between a switch, wire center, collocation, point of interconnection, etc., and a customer's premises) to one or more customer locations in each/any of the nine Southeastern states. Answer this question in the affirmative if you are offering such facilities. For purposes of this question, you "own" a facility if (i) you have legal title to the facility, or (ii) if you have obtained on an unbundled, leased or purchased basis dark fiber and have attached your own optronics to light the facility. Facilities obtained through any other means, including but not limited to special access, other unbundled network elements or other services obtained from third parties, should not be included in this response.

Sample Response Form - Question 9: Self-provided facilities offered on wholesale basis									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objection 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.

**Response provided by: Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.**

**INTERROGATORY 10.** Affirm or deny that you have obtained from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of retail services to your customers, to one or more customer locations in each/any of the nine Southeastern states. Self-provided facilities that you "own" as defined in 8 above should not be included in this response.

Sample Response Form-Question 10: 3 <sup>rd</sup> Party facilities leased for providing retail service
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	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. See Confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 11.** Affirm or deny that you have obtained from a third party (other than the ILEC or a CLEC that is a party to this proceeding), high capacity loops or dark fiber loops for the provisioning of services on a wholesale basis to one or more customer locations in each/any of the nine Southeastern states. Self-provided facilities that you "own" as defined in 9 about should not be included in this response.

Sample Response Form-Question 11: 3 <sup>rd</sup> Party facilities leased for reselling as wholesale service									
	AL	FL	GA	KY	LA	MS	NC	SC	TN
Affirm									
Deny									

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment C.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 12.** For each state in Questions 8 and 10 that you answered in the affirmative (that you have self-provided or obtained from a third party other than the ILEC or a CLEC that is a party to this proceeding high capacity loops or dark fiber for use in your own operations in providing retail service to your customers) provide a list of the customer locations to which you have deployed such loops, (in electronic format using the attached spreadsheets)<sup>2</sup> identifying:

- a. The RSAG valid address of each customer location.

<sup>2</sup> Spreadsheet sent via electronic mail; hard copies provided via U.S. Mail.

- b. The CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc., from which the loop is extended to the customer location. (Provide the full 11-character CLLI).
- c. Indicate whether the facility is wholly owned by you (yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facilities is provided over dark fiber you have obtained from BellSouth on an IRU basis (Yes, No).
- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intrabuilding wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to address such restrictions.

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Confidential Attachment B.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

**INTERROGATORY 13.** For each state in Questions 9 and 11 that you answered in the affirmative (that you offer at wholesale DS1, DS3 or higher capacity loops) provide a list of the customer locations to which you have provided such loops (in electronic format using the attached spreadsheets),<sup>3</sup> identifying:

- a. The RSAG valid address of each customer location.
- b. The CLLI code of the location from which the loop is extended to the customer location. (Provide the full 11-character CLLI.)
- c. Indicate whether the facility is wholly owned by you (Yes, No); if no, provide the name of the vendor from whom you have purchased all or a portion of the facilities.
- d. Indicate whether the facility is provided over dark fiber you have obtained from BellSouth on an IRU basis or UNE basis (Yes, No).

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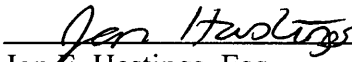
<sup>3</sup> Spreadsheet sent via electronic mail; hard copies provided via U.S. Mail.


- e. Indicate whether or not you have the unrestricted ability to serve all customers at that location if it is a multi-tenant location. (Yes, No, NA). This includes access to all units in the building, access to all buildings in a campus environment and equivalent access to the same minimum point of entry (MPOE), common space, house and riser and other intra building wire as the ILEC. If no, explain in detail any restrictions on your ability to serve customers and explain any and all actions you have taken to eliminate such restrictions.
- f. Indicate whether other carriers have access to these wholesale facilities at a technically feasible point (e.g., manhole, meet point, collocation, etc).
- g. The capacity deployed and capacity activated to the specific location as of September 30, 2003.

**MCI RESPONSE:** MCI adopts and incorporates its General Objections 1, 5, 6, 8, 9, 10, 11, 12, 14, and 15, as if set forth herein verbatim. Subject to, and without waiving these objections, MCI states as follows: See Response to Interrogatory Numbers 9 and 11.

**Response provided by:** Objections provided by Counsel. Substantive response provided by Greg Darnell, MCI, 6 Concourse Parkway, Suite 600, Atlanta, Georgia 30328.

Respectfully submitted this 26 day of November, 2003.

  
Jon E. Hastings, Esq.  
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Attorneys for MCI metro Access Transmission  
Services, LLC and Brooks Fiber of Tennessee, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on November \_\_\_\_\_, 2003, a copy of the foregoing document was served on the parties of record, via electronically, US mail or hand delivery:

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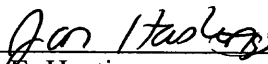
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